

March 26, 2025

[REDACTED]

Ms. Trinell Bowman  
Associate Superintendent-Special Education  
Prince George's County Public Schools  
John Carroll Center  
1400 Nalley Terrace  
Landover, Maryland 20785

RE: [REDACTED]  
Reference: #25-240

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report on the final results of the investigation.

**ALLEGATIONS:**

On January 30, 2025, MSDE received a complaint from [REDACTED], hereafter "the complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Prince George's County Public Schools (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS did not follow proper procedures in the identification and evaluation of the student since December 2024, in accordance with 34 CFR §§ 300.111 and .301-.311 and COMAR 13A.05.01.06.
2. The PGCPS did not provide prior written notice (PWN) of the IEP team decisions from Individualized Education Program (IEP) team meetings held in December 2024, in accordance with 34 CFR § 300.503.

**BACKGROUND:**

The student is 15 years old and is supported by a 504 Plan<sup>1</sup>. The student currently attends [REDACTED] School.

**FINDINGS OF FACTS:**

1. On October 24, 2024, the complainant emailed a member of PGCPs, informing them that the student was diagnosed with selective mutism and requested that the student receive a psychological evaluation by the school psychologist. The complainant informed the staff member that the student had a Section 504 plan and requested additional accommodations be added.
2. There is no documentation indicating that the complainant provided PGCPs with proof of the student's diagnosis from a private provider.
3. On December 5, 2024, the IEP team convened at the request of the complainant due to concerns about the student's cognitive abilities and lack of performance. The prior written notice (PWN) generated after the meeting reflects that the IEP team reviewed records, including grades, attendance, teacher input, parent input, and any documents provided by the parent to assist in the decision-making process.

After reviewing the available information, the IEP team concluded that there is not sufficient data to indicate that the student has a disability requiring special education services.

4. The IEP team based this determination on the student's excessive absences, which made it difficult to determine whether their lack of progress was due to a disability or a lack of instruction.
5. The documentation to support the IEP team's decision is as follows:

**Attendance** – The student was absent for 33 days during the 2024-2025 school year, with 8 of those days excused. Upon review, it was determined that the student was present at school, however, she was not attending all of her classes.

**Report Card** – Quarter 1 of the 2024-2025 school year reflects that the student received two Ds and six Es out of eight classes, with grades below 60%. In Quarter 2, the student received all Es. Totalling a Grade Point Average of 0.125.

**Teacher Input** – Out of eight teachers, three (English, Biology, and Government) provided input regarding the student's classroom behavior. They reported that the student does not speak, is nonverbal, refuses to participate, shows no effort, and does not comply with instructions. Teachers expressed concern and suggested that a 1:1 aide in class would be beneficial, as well as placement in a setting more tailored to the student's needs.

6. On December 5, 2024, PGCPs generated a "Notice of No Assessment Needed" in the concerned areas of Cognitive/Intellectual and academic Performance. The report reflects that the student has experienced significant trauma over the past two years, and the family is currently exploring outside psychological counseling.
7. On February 25, 2025, PGCPs generated a Notice of IEP Team Meeting for a meeting to be held on March 10, 2025, to review written referral and/or existing data and information and, if appropriate, determine eligibility for special education services and Reconsideration of Parental Request for Assessments.

8. On March 11, 2025, the IEP team reconvened following the complainant's renewed request for assessments after the denied request from the IEP meeting held on December 5, 2024. However, after reviewing documentation and input from the parent and [REDACTED] clinicians, the team could not reach a consensus on the necessity for assessments. Given concerns about a possible disability affecting social/emotional, behavioral, and academic functioning, the team decided to proceed with testing. The PWN reflects an IEP team participant invited by the complainant from [REDACTED] ( [REDACTED] ) highlighted the student's selective mutism, rooted in anxiety, and noted a potential neurological or motor-related condition affecting verbal communication. The participant from [REDACTED] added that while receptive language appears intact, expressive abilities are significantly impaired, possibly due to neurological factors.

The PWN reflects the IEP team's decision to move forward with assessments to determine whether the student required additional support. A PGCPs speech-language pathologist agreed to conduct a record review and informal observation to determine the need for additional speech/language testing. The PWN reflects A Notice and Consent for Assessment would be provided to the parent for signature.

9. On March 17, 2025, the complainant received the Notice and Consent form via email to authorize assessments for the student in the areas of academic performance, intellectual/cognitive functioning, emotional/social/behavioral development, vocational skills, and an observation.
10. The PGCPs acknowledged that it did not provide the parent with prior written notice for the meeting held on December 4, 2024, however, on March 17, 2025, via email, the complainant was provided with the PWN.

#### **CONCLUSIONS:**

##### **ALLEGATION # 1**

##### **PROPER PROCEDURES FOR IDENTIFYING A STUDENT WITH A DISABILITY**

Based on Findings of Fact #1 through #9, MSDE finds that the PGCPs did follow proper procedures in the identification and evaluation of the student since December 2024, in accordance with 34 CFR §§ 300.111 and .301-.311 and COMAR 13A.05.01.06. Therefore, MSDE does not find a violation.

##### **ALLEGATION #2**

##### **PROVISION OF PRIOR WRITTEN NOTICE**

Based on Finding of Fact #10, MSDE finds that the PGCPs did not provide prior written notice of the IEP team decisions from IEP team meetings held in December 2024, in accordance with 34 CFR § 300.503. Therefore, MSDE finds a violation.

Notwithstanding the violation, based upon Finding of Fact #10, MSDE finds that PGCPs provided the parent with a copy of the PWN on March 17, 2025, therefore, no further student-specific corrective action is required.

**TIMELINE:**

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email at [Tracy.Givens@maryland.gov](mailto:Tracy.Givens@maryland.gov). Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

The parties maintain the right to request mediation or to file a due process complaint if they disagree with the identification, evaluation, placement, or provision of Free Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine L. Hickman, Ed.D.  
Assistant State Superintendent  
Division of Early Intervention and Special Education Services

AH/sj

c: Millard House II, Chief Executive Officer, PGCPs  
Keith Marston, Compliance Instructional Supervisor, PGCPs  
Lois Jones-Smith, Compliance Liaison, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
William Fields, Associate General Counsel, PGCPs  
[REDACTED], [REDACTED] School, Principal, PGCPs  
Alison Barmat, Section Chief, Family Support and Dispute Resolution, MSDE  
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Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
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